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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

DARYL BOWEN,

Defendant and Appellant.

2d Crim. No. B208331
(Super. Ct. No. 1236087)
(Santa Barbara County)

Daryl Bowen appeals from the judgment following a no contest plea to dissuading a witness by force or threat (Pen. Code, § 136.1, subd. (c)(1)).¹ Pursuant to the negotiated plea, the trial court dismissed two counts of felon in possession of firearm (§ 12021, subd. (a)(1)), two counts of possession of cocaine base for sale (Health & Saf. Code, § 11351.5) and one count of possession of marijuana for sale (Health & Saf. Code, § 11359) which included prior drug convictions (Health & Saf. Code, § 11370.2, subd. (a)) and prior prison term enhancements (§ 667.5, subd. (b)). Appellant was sentenced to an agreed upon term of four years state prison.

We appointed counsel to represent appellant in this appeal. After counsel's examination of the record, he filed an opening brief in which no issues were raised.

On September 25, 2008, we advised appellant that he had 30 days within which to personally submit any contentions or issues he wished us to consider. On October

¹ All statutory references are to the Penal Code unless otherwise stated.

30, 2008, appellant submitted a supplemental letter brief alleging, among other things, that the prosecution and police engaged in misconduct that resulted in the filing of unfounded charges and exposed appellant to a maximum potential sentence of 19 years state prison. Appellant also claims that a search warrant and an arrest warrant were improperly issued, that he was not properly arraigned, and that he entered the change of plea under duress. These contentions are not supported by the record. (See e.g., *People v. Kelly* (2006) 40 Cal.4th 106, 125-126.)

The written change of plea agreement, reporter's transcript, and preliminary hearing transcript indicate that the Lompoc Police Department searched two apartments for suspected drug trafficking on June 7, 2007, pursuant to a search warrant. In the first apartment (apt. 94), the police found marijuana plants and marijuana in appellant's jacket. The tenant told the officers that appellant had access to the apartment and showered there.

In the second apartment (apt 87), the police found a handgun under a mattress. The tenant, who was arrested with cocaine base on her person, said that the firearm belonged to appellant and that she was selling the cocaine for appellant.

During the search, a neighbor told the officers that appellant was using a third apartment in the complex to deal drugs and pointed appellant out. Appellant was arrested and threatened to kill the neighbor.

Christie Wright, the tenant in the third apartment (apt. 81), told the officers that she was dating appellant and that appellant had a key to the apartment where he kept cocaine, marijuana, and a scale. After Wright consented to a search of the apartment, the officers found a drug scale, packaging material, a firearm, ammunition, cocaine base, and marijuana, all of which Wright said belonged to appellant.

Appellant entered the change of plea after the trial court denied his motion to suppress evidence (§ 1538.5), a motion to disclose the identity of a confidential informant, and a motion to dismiss the information (§ 995). When the change of plea was entered, appellant acknowledged that the maximum sentence was 19 years 4 months if convicted on all counts and that he was entering the change of plea knowingly, freely, and voluntarily.

We have reviewed the entire record and are satisfied that appellant's attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441; *People v. Kelly*, *supra*, 40 Cal.4th at pp. 125-126.)

The judgment is affirmed.

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YEGAN, J.

We concur:

GILBERT, P.J.

COFFEE, J.

Rick Brown, Judge
Superior Court County of Santa Barbara

California Appellate Project, under appointment by the Court of Appeal,
Jonathan B. Steiner, Executive Director, Richard B. Lennon, Staff Attorney, for Appellant.

No appearance for Respondent.